

REMARKS:

Claims 1-4, 6, 7, 9 and 11 are presented for examination, with claims 1 and 11 having been amended hereby and claims 5, 8, 10 and 12-20 having been cancelled (without prejudice or disclaimer).

Initially, it is noted that applicant does not necessarily concur with the with Examiner regarding the objection to the drawings under the applicable rules and regulations.

Nevertheless, in order to expedite prosecution of the application, each of claims 10 and 12-20 have been cancelled hereby (without prejudice or disclaimer).

Therefore, it is respectfully submitted that the objection to the drawings under 37 C.F.R. 1.83(a) has been rendered moot.

Reconsideration is respectfully requested of the rejection of claim 8 under 35 U.S.C. 112, second paragraph.

Initially, it is noted that applicant does not necessarily concur with the with Examiner regarding the rejection of claim 8 under the applicable rules and regulations.

Nevertheless, in order to expedite prosecution of the application, claim 8 has been cancelled hereby (without prejudice or disclaimer).

Therefore, it is respectfully submitted that the rejection of claim 8 under 35 U.S.C. 112, second paragraph, has been rendered moot.

Reconsideration is respectfully requested of the rejection of claims 1, 3, 4, 6 and 9 under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent 5,897,421, hereinafter "Rink et al." (of note, the cancellation of claims 5, 8, 10 and 12-20 has rendered their rejection moot).

Initially, it is noted that applicant does not necessarily concur with the Examiner in the Examiner's analysis of the claims (as they existed even before amendment hereby) and the Rink et al. reference.

Nevertheless, in order to expedite prosecution of the application, independent claim 1 (the sole pending independent claim) has been amended hereby to more clearly recite certain patentably distinct features of the present invention.

More particularly, independent claim 1 now recites, *inter alia*, the following:

- "the plurality of removably attachable segments are adapted to variably configure the

article so as to form a plurality of animal shapes” (emphasis added)

In this regard, it is noted that the Examiner takes the position at page 3 of the July 3, 2007 Office Action that the articles of Rink et al. are animal shaped, i.e., snake or serpentine.

Nevertheless, it is respectfully submitted that Rink et al. is directed to “a unique learning toy for teaching the letters of the alphabet and reading and for teaching numbers and counting” (col. 1, lines 6-8) (emphasis added) and that such alphanumeric articles simply do not teach, show nor even suggest the claimed animal shapes.

Therefore, it is respectfully submitted that the rejection of claims 1, 3, 4, 6 and 9 under 35 U.S.C. 102(b) as allegedly being anticipated by Rink et al. has been overcome.

Reconsideration is respectfully requested of the rejection of claims 1, 2 and 11 under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent 6,623,328, hereinafter “Theel”.

Initially, it is noted that applicant does not necessarily concur with the Examiner in the Examiner’s analysis of the claims (as they existed even before amendment hereby) and the Theel reference.

In this regard, it is noted that claim 1 (the sole pending independent claim) recites, *inter alia*, the following:

- “whereby the segments are removably attached one to the other by the at least one attachment means and where attached the segments form the stand-alone animal-shaped toy and item of wearing apparel” (emphasis added)
- “the article is dimensioned to be worn by a wearer” (emphasis added)

In marked contrast, Theel is directed to a “dismemberable canine appeasement device and method”. More particularly, as discussed in Theel (at col. 1, lines 35-36), it is “an object of the invention to provide a toy for a dog that rips apart and can be reassembled for reuse”.

Clearly, such dismemberable canine appeasement device and method does not teach, show nor even suggest the claimed wearing apparel to be worn by a wearer.

Therefore, it is respectfully submitted that the rejection of claims 1, 2 and 11 under 35

U.S.C. 102(e) as allegedly being anticipated by Theel has been overcome.

Reconsideration is respectfully requested of the rejection of claim 7 under 35 U.S.C. 103(a) as allegedly being unpatentable over Rink et al.

Initially, it is noted that applicant does not necessarily concur with the Examiner in the Examiner's analysis of the claims (as they existed even before amendment hereby) and the Rink et al. reference.

Nevertheless, in order to expedite prosecution of the application, it will simply be noted that claim 7 depends from independent claim 1.

Thus, it is respectfully submitted that claim 7 is patentably distinct for at least the same reasons as independent claim 1 discussed above.

Therefore, it is respectfully submitted that the rejection of claim 7 under 35 U.S.C. 103(a) as allegedly being unpatentable over Rink et al. has been overcome.

Finally, it is noted that this Amendment is fully supported by the originally filed application and thus, no new matter has been added. For this reason, the Amendment should be entered.

For example, support for the amendment to claim 1 regarding the plurality of removably attachable segments being adapted to variably configure the article so as to form a plurality of animal shapes may be found in now-cancelled claim 5, as filed.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,
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